

REMARKS

The Office Action and the Advisory Action have been carefully reviewed. No claim is allowed. Claim 1 presently appears in this application and defines patentable subject matter warranting its allowance. Reconsideration and allowance are hereby respectfully solicited.

Claims 1-8 and 11-13 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Halazy et al., WO 01/47920, in view of Bennett et al., *Current Opinion in Pharmacology* 3:420-425 (2003) (or Kaneto-1, Kaneto-II, Kaneto-III or Hotamisligil) and Gatlin et al., US 6,559,188. This rejection is respectfully traversed.

Claim 1 is now amended to recite administering either 1,3-benzothiazol-2-yl(2-{[4-(morpholin-4-ylmethyl)benzyl]oxy}-pyrimidin-4-yl) acetonitrile or 1,3-benzothiazol-2-yl(2-{{2-(3-pyridinyl)ethyl}amino}-4-pyrimidinyl) acetonitrile to a human or mammal in need of treatment for diabetes type II, and claims 2-8 and 11-13 are now cancelled without prejudice. The two benzothiazol compounds now recited in amended claim 1 are shown to have unexpectedly superior results (decrease of 22% or 38% in blood glucose level and decrease of 36% or 64% in insulin level, respectively) in Example 2 of the specification at pages 29-30. Accordingly, the combination of the references cited and

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applied by the examiner cannot make obvious the unexpectedly superior results observed for the two recited specific benzothiazol compounds.

Reconsideration and withdrawal of the rejection are therefore respectfully requested.

In view of the above, the claims comply with 35 U.S.C. §112 and define patentable subject matter warranting their allowance. Favorable consideration and early allowance are earnestly urged.

Respectfully submitted,

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